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EXAMINER

PHAM, THIERRY L

ART UNIT PAPER NUMBER

2624

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/710,287

Applicant(s)

WHITMARSH ET AL.

Examiner

Thierry L. Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-22 and 25-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-22 and 25-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

- This action is responsive to the following communication: an Amendment filed on 9/7/05.
- Claims 1-3, 5-22, 25-39 are pending; claims 4, 23-24, and 40-45 have been canceled.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-22, 25-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sevcik et al (U.S. 6330542), and in view of Nakatsuyama (U.S. 5875441).

Regarding claim 1, Sevcik discloses a method of processing a print job (the automated quoting and procurement system, fig. 1) of a customer before (the procurement system processing the print request from the print buyer/customer and sending it to the print provider, fig. 1, col. 3, lines 1-67) submitting the print job to at least one of a plurality of print provider (print providers, fig. 1), the print job being defined by a data file (print job defined as a data filed is well known in the art, for example, job ticket) for the print job and a print request identifying at least one attribute of the print job as specified by the customer, the method comprising the steps of:

- (•) providing a print processing system controller (the automated quoting and procurement system, fig. 1, for providing printing capabilities (i.e. quantity, prices, delivery zip code, and etc based upon customer's preferences of the print job request) of the printer providers to the customer, col. 3, lines 1-67 and col. 9, lines 15-67) having a printing capability of the print providers (registered print providers, fig. 1, col. 3, lines 1-67 and col. 5, lines 1-10) registered therewith;
- (•) defining a network communication link (Internet communication network, fig. 1, col. 1, lines 5-20) between the customer and the print processing system controller;

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- (●) receiving the data file (receiving a print job request such as booklets, newsletter, and etc. along with preferences/options from the customer, figs. 2-8, col. 3, lines 1-67 and cols. 6-7) for the print job at the print processing system controller via the network communication link;
- (●) determining at least one document type (determining what document type has been order, i.e. postcards, envelopes, and etc. , figs. 2-8, cols. 6-7) for the print job via the print processing system controller, including processing the data file (i.e. finishing options, figs. 2-8) for the print job to determine the at least one document type for the print job (providing the best print providers that capable of servicing customer's request for print jobs based upon selected quality, colors, and/or price range, figs. 2-8, col. 3, lines 1-67);
- presenting the at least one document type (job type, fig. 3) for the print job to the customer via the network communication link; and
- receiving the print request (print job with selected options, fig. 5) for the print job at the print processing system controller (ref. 26, fig. 1) via the network communication link, the print request specifying a document type (e.g. postcard, fig. 5) for the print job from the at least one document type (from plurality of document types as shown in fig. 2) for the print job and identifying the at least one attribute (e.g. size, fig.5) of the print job as specified by the customer.

However, Sevcik fails to explicitly teach a method for determining a type of document based on the characteristics of the print job as included in the data file for the print job, which analyzed by the print system controller.

Nakatsuyama, in the same filed of endeavor, teaches a method for determining a type of document based on the characteristics of the print job as included in the data file for the print job, which analyzed by the print system controller (document type retriever system of fig. 1 for determining and retrieving document types based on the query requests inputted by the users, fig. 4, col. 5, lines 10-50 and col. 6, lines 47-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Sevcik as per teachings of Nakatsuyama by allowing the users/operators to search for the type of documents based upon the user's input requests and displaying the results to the users (that is, inputting the finishing options such as paper type, color, size, and etc. before displaying the type of products such as business card, postcards, presentation, and etc. that are available to customers) because of a following reason: (●) allowing the customers to search for

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the type of product of interests before selecting and submitting the print job type to the print provider and to enhance the system of Sevcik to work vice-versa formation (i.e. choosing the products and then selecting finishing options for that selected products or displaying plurality of product types based upon finishing options selected/inputted by the operators/users).

Therefore, it would have been obvious to combine Sevcik with Nakatsuyama to obtain the invention as specified in claim 1.

Please NOTE: Sevcik also teaches a method for automatically determining the type of paper stock based upon the user's input request (col. 11, lines 34-42).

Regarding claim 2, Sevcik further discloses the method of claim 1, wherein the step of defining a network communication link includes defining an Internet communication link (Internet communication network, col. 1, lines 5-20) between the customer and the print processing system controller.

Regarding claim 3, Sevcik further discloses the method of claim 1, wherein the step of determining the at least one document type (i.e. postcards, letterhead, figs. 2-8) for the print job includes processing the data file for the print job and determining from the data file at least one of a file format, a number of pages, a print medium, a printing layout, a color content, and an image presence of the print job (finishing options, figs. 2-8).

Regarding claim 5, Sevcik further discloses the method of claim 1, wherein the step of identifying the at least one attribute of the print job includes specifying at least one of a number of copies, a cost characteristics, a quality characteristics, and a due data characteristics for the print job (print job request attributes, figs. 2-8).

Regarding claim 6, Sevcik further discloses the method of claim 1, wherein the step of identifying the at least one attribute of the print job includes specifying at least one of a print medium, a printing layout, a color printing option, a finishing option, a delivery option, and a due date for the print job (figs. 2-8).

Regarding claim 7, Sevcik further discloses the method of claim 6, wherein the step of identifying the at least one attribute of the print job includes specifying a plurality of selections for the at least one of the print medium, the printing layout, the color printing option, the finishing option, the delivery option, and the due date for the print job (figs. 2-8).

Regarding claim 8, Sevcik further discloses the method of claim 1, further comprising the steps of: (1) determining with the print processing system controller which of the print providers have the printing capability to fulfill the print job, including comparing the print request and the data file for the print job with the printing capability of the print providers (cols. 3, 9-10); compiling with the print processing system controller a list of at least one quote (figs. 9-18) of at least one of the print providers which has the printing capability to fulfill the print job; and (3) presenting the list (col. 3, lines 1-67 and cols. 6-10) of the at least one quote to the customer via the network communication link.

Regarding claim 9, Sevcik further discloses the method of claim 8, wherein the list of the at least one quote includes at least two quotes of the at least one of the print providers (col. 3, lines 1-67 and cols. 6-10 and col. 13, lines 28-60).

Regarding claim 10, Sevcik further discloses the method of claim 8, wherein the step of defining the network communication link includes defining the network communication link between the customer, the print providers, and the print processing system controller, and further comprising the steps of: (1) selecting a quote from the list of the at least one quote and at least one print provider of the at least one of the print providers to fulfill the print job (col. 3, lines 1-67 and cols. 6-10 and col. 13, lines 28-60).; (2) and submitting the print job to the at least one print provider via the network communication link (col. 3, lines 1-67 and cols. 6-10 and col. 13, lines 28-60).

Regarding claim 11, Sevcik further discloses the method of claim 1, wherein the print processing system controller has a plurality of document models include therein, and further

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comprising the step of: (1) creating the print job from a document model of the plurality of document models (custom product graphic, col. 3, lines 20-67).

Regarding claim 12, Sevcik further discloses the method of claim 11, wherein the step of creating the print job includes: (1) receiving a print job type at the print processing system controller, compiling with the print processing system controller a set of a document models from the plurality of document models based on the print job type, the set of document models including the document model of the plurality of the document models; and presenting a set of document models to the customer via the network communication link (cols. 10-13).

Regarding claim 13, Sevcik further discloses the method of claim 12, wherein the step of creating the print job further includes selecting the document model from the set of document models (col. 3, lines 20-67).

Regarding claim 14, Sevcik further discloses the method of claim 11, wherein the step of creating the print job includes selecting at least one a print medium, a printing layout, a color printing option, and a finishing option for the print job from the document model (figs. 2-8).

Regarding claim 15, Sevcik further discloses the method of claim 14, wherein the step of creating the print job further includes presenting a cost for each of the at least one of the print medium, the printing layout, the color printing option, and the finishing option for the print job to the customer via the network communication link (figs. 2-8, col. 3, lines 1-67).

Regarding claim 16, Sevcik further discloses the method of claim 11, wherein the step of creating the print job includes selecting a document template for the print job from the document model (figs. 2-8).

Regarding claim 17, Sevcik further discloses the method of claim 1, wherein the step of defining the network communication link includes defining the network communication link between the customer, the print providers, and the print processing system controller, and further

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comprising the step of: registering the print capability (col. 3, lines 1-67 and cols. 14-16) each of the print providers with the print processing system controller via the network communication link.

Regarding claim 18, Sevcik further discloses the method of claim 17, wherein the step of registering the printing capability includes registering at least one of a file format compatibility, a print medium capability, a printing layout capability, a color printing capability, a finishing capability, and a delivery capability of each of the print providers (figs. 2-8 and 18, cols. 3-6 and cols. 14-16).

Regarding claims 19-22, 25-39 recite limitations that are similar and in the same scope of invention as to those in claims 1-3, 5-18 above; therefore, claims 19-22, 25-39 are rejected for the same rejection rationale/basis as described in claims 1-3, 5-18.

### ***Response to Arguments***

Applicant's arguments filed 9/7/05 have been fully considered but they are not persuasive.

- Regarding claims 1 & 19, the applicants argued the cited prior art of record (US 5875441 to Nakatsuyama) fails to teach and/or suggest determining a document type for print job based on characteristics of the print job as included in a data file for the print job.

In response, the examiner disagrees with the applicants' assertions/arguments. Nakatsuyama discloses teaches a method for determining a type of document based on the characteristics of the print job as included in the data file for the print job, which analyzed by the print system controller (document type retriever system of fig. 1 for determining and retrieving document types based on the query requests inputted by the users, fig. 4, col. 5, lines 10-50 and col. 6, lines 47-67). Nakatsuyama teaches a database containing document type storage for storing document types (fig. 1) and its corresponding query table. Such database system allows users/operators to search and/or determine a document type based upon inputted queries. Sevcik's system allows users/operators to select a document from a list (as shown in fig. 2) and further selecting its associated attributes (e.g. specification such as size "6 x 9" for POSTCARDS as shown in fig. 4) for print job, but fails to teach and/or suggest determining the document type based upon the data



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file attribute (e.g. size such as 6 x 9, in other words, Sevcik's system lets customer selects document type then enter its specification rather than the opposite). Nakatsuyama has a database containing plurality of document types along with its associated specification, which allows customers to search for a document type based upon its specification. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Sevcik as per teachings of Nakatsuyama by allowing the users/operators to search for the type of documents based upon the user's input requests and displaying the results to the users (that is, inputting the finishing options such as paper type, color, size, and etc. before displaying the type of products such as business card, postcards, presentation, and etc. that are available to customers) because of a following reason: (●) allowing the customers to search for the type of product of interests before selecting and submitting the print job type to the print provider and to enhance the system of Sevcik to work vice-versa formation (i.e. choosing the products and then selecting finishing options for that selected products or displaying plurality of product types based upon finishing options selected/inputted by the operators/users).

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- W/O 9938068 to Schwartz teaches a job ticket token (as equivalent to data file as claimed in claim 1) contains plurality of print attributes (fig.3).
- US 4754428 to Schultz et al, teaches a data file containing plurality of print job attributes (col. 11, lines 40-67).

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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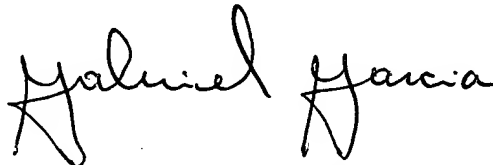
however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L. Pham whose telephone number is (571) 272-7439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thierry L. Pham



GABRIEL GARCIA  
PRIMARY EXAMINER